

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

BENTLEY A. HOLLANDER

Plaintiff/Relator,

v.

TIMEX GROUP USA, INC., f/k/a  
TIMEX CORPORATION

Defendant.

CIVIL ACTION  
No. 2:10-cv-00429

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2010, upon consideration of Timex Group USA, Inc's Motion to Stay, it is hereby ORDERED that this case is stayed. The parties shall contact the Court within 14 days after the later of the two Federal Circuit decisions in Pequignot v. Solo Cup, Appeal No. 2009-1547, or Stauffer v. Brooks Brothers, Appeal No. 2009-1428, to schedule a status conference.

IT IS SO ORDERED.

BY THE COURT:

\_\_\_\_\_  
Berle M. Schiller, U.S.D.J.

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Plaintiff/Relator,

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April 21, 2010

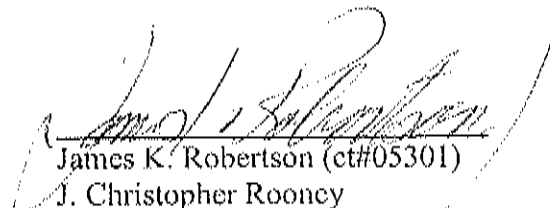
**TIMEX GROUP USA, INC.'S MOTION TO STAY**

NOW COMES the defendant, Timex Group USA, Inc., and moves this Court for entry of an Order staying this case pending the outcome of the appeals now pending before the Federal Court of Appeals in Pequignot v. Solo Cup, Appeal No. 2009-1547 ("Pequignot"), and Stauffer v. Brooks Brothers, Appeal No. 2009-1428 ("Stauffer"). The forthcoming Pequignot and Stauffer decisions will likely bear directly on this Court's consideration of this case and may be dispositive of this case, because, among other things: (1) the decision Pequignot will likely (a) determine whether marking with an expired patent is false marking and (b) define the standard for intent to deceive as required by 35 U.S.C. § 292 in the context of expired patents; and (2) the decision in Stauffer will determine whether Hollander has standing to sue. As such, the competing interests of the parties; the fact that these decisions will likely

resolve, simplify or clarify the issues pending before this Court; judicial economy; and the short length of such a stay, all support staying this case. Further, there will be no harm done to the relator or the United States or any of its constituents by entry of the stay.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law in Support of this motion, all of which Timex incorporates herein by reference as if set forth in full, Timex respectfully requests this Court stay this case pending the Federal Circuit's resolution of the appeals in Pequignot v. Solo Cup, Appeal No. 2009-1547, and Stauffer v. Brooks Brothers, Appeal No. 2009-1428, and award such other and further relief as this Court deems appropriate.

THE DEFENDANT,  
TIMEX GROUP USA, INC.,  
f/k/a  
TIMEX CORPORATION

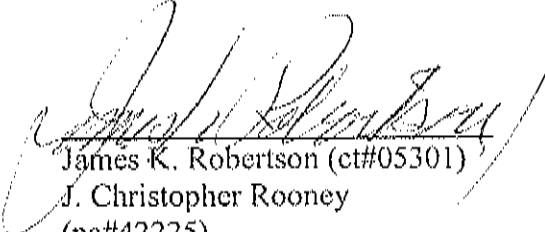
  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2010, a copy of the foregoing **Defendant's Motion to Stay** was filed electronically and served by mail on all counsel and pro se parties unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system and by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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